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ABSTRACT

This brochure highlights 95 Texas laws that were passed in the 1995 legislative session and have particular impact on the 3.5 million Texans with disabilities. Major issues addressed in these laws include telecommunications, employment, health insurance and services, transportation, and education. Each bill listing includes a brief descriptive phrase and a reference to the bill's legislative number. Bills are listed under the following categories: access to information; access, rights, and protection; community services; education; employment and business; health-safety and prevention of disease; health insurance and services; mass transportation; Medicaid reform; mental health issues; service coordination; and residential facilities. (DB)

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Selected Laws Passed by the 1995 Texas Legislature Affecting People with Disabilities

Texas Governor's Committee on People with Disabilities

Summer 1995

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STATE OF TEXAS
OFFICE OF THE GOVERNOR

GEORGE W. BUSH
GOVERNOR

August 24, 1995

Dear Fellow Texans:

I believe the 1995 Texas Legislative Session will be known as the most substantive in Texas history. This session has proved that when elected officials put aside partisan differences and focus on substance and philosophy, government can work. As a result, the Texas Legislature passed 1,101 bills dealing with extensive changes in Texas schools, juvenile and criminal justice systems, and the welfare system.

This summary highlights 95 new Texas laws that have particular impact on the 3.5 million Texans with disabilities. Issues addressed include telecommunications, employment, health insurance and services, transportation, and education.

Sincerely,

GEORGE W. BUSH

GWB:vr

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Access to Information:

- Coordinates distance learning activities including telephone conferencing and sharing of electronic information by institutions of higher education through a master plan to be submitted to the 1997 Legislature.
  HB 85
- Provides access across all levels of government to electronic public information.
  HB 1718
- Makes provisions for competition in telecommunications and ensures accessible telecommunications services to Texans with disabilities unless doing so presents an undue burden.
  HB 2128
- Ensures the electronic availability of the administrative code.
  HB 2304 and SB 1046
- Increases public access to online government information in public libraries through technology grants.
  HB 2540

- Ensures continued availability of online state agency publications by expanding the duties of the Texas State Library and Archives Commission to include such activities.
  SB 366
- Provides for the electronic availability of legislative information through the Internet and encourages consideration of the needs of persons with disabilities regarding the format of such information.
  SB 1453

Access, Rights and Protection:

- Defines assistance dogs to include guide dogs and support dogs, verifies rights of employees using such dogs, and increases penalties for denying admittance to public facilities of persons using such dogs.
  HB 238
- Exempts places used primarily for religious rituals from architectural barrier requirements; appears to increase access in churches and other religious facilities.
  HB 1612

- More strictly defines eligibility for disabled parking, requires a physician's certification, creates escalating fines for subsequent offenses, and allows a political subdivision to train and appoint volunteer parking enforcers.
  HB 2083
- Requires reasonable accommodations for jurors who are deaf or hard of hearing.
  SB 264
- Allows for a waiver of the visual standards, except for distance binocular acuity, for a commercial drivers license, if the applicant drives only in this state.
  SB 472

Community Services:

- Provides for dependent care demonstration projects through the Work and Families Policies Clearinghouse.
  HB 1341
- Requires agencies to provide information about all community-based long-term care and support options available to each client.
  HB 1698

- Establishes a vision statement and guiding principles for long-term care services; promotes coordination across agencies.
  HB 2698

Education:

- Exempts students enrolled in a certificate program from taking the TASP test.
  HB 1338
- Rewrites education law to provide for increased local control, increased campus accountability for performance of students with disabilities, and requires the use of accessible technology in instruction and administration.
  SB 1
- Provides a tuition waiver for students who are deaf attending the Southwest Collegiate Institute for the Deaf.
  SB 694

- Provides that a student with dyslexia who has completed required remedial coursework at an institution of higher education may be required to retake the Texas Academic Skills Program (TASP) test once, but may not be referred for additional remedial services or precluded from enrolling in an upper division course.
  SB 944

Employment and Business:

- Disqualifies unemployment beneficiaries who refuse job assistance services.
  HB 1027
- Continues the Texas Workers' Compensation Commission and requires state agencies to implement health and safety programs and programs to assist injured employees to return to work.
  HB 1089
- Establishes the Texas Workforce Commission, a vision for employment assistance for persons with disabilities and requires implementation of actions regarding supported employment.
  HB 1863

- Provides a system for loans to historically underutilized businesses or small businesses in distressed communities for working capital.
  HB 1991

Health-Safety and Prevention of Disease:

- Authorizes the teaching of firearm safety in schools and requires safe storage of firearms.
  HB 44
- Requires newly purchased playground equipment to meet specified safety standards.
  HB 632
- Promotes the control of rabies by increasing the penalty for failure to vaccinate dogs.
  HB 721
- Allows for home HIV infection testing with a 1-800 number for test results, anonymous counseling, and referral to local services.
  HB 988
- Decreases incidence of disease by regulating end-stage renal disease facilities.
  HB 1023

- Provides for HIV testing of pregnant women upon consent to such tests.
  HB 1345
- Requires health care professionals to notify the partner of a person infected with HIV regardless of that person's consent.
  HB 1491
- Provides criminal penalties for improper disposal of medical waste.
  HB 1644
- Requires hepatitis immunizations for students in elementary and secondary schools.
  HB 1745
- Requires implementation of an osteoporosis prevention program.
  SB 606
- Authorizes implementation of voluntary perinatal health care systems.
  SB 1229
- Requires the implementation of an education program for the detection and prevention of prostate cancer.
  SB 1685

Health-Insurance and Services:

- Modifies small employer health benefit plan requirements.
  HB 369
- Establishes a pilot program for primary care health insurance for children less than 13 years old who are not eligible for Medicaid.
  HB 997
- Implements a statewide health care data collection system including costs, provider quality, and outcomes.
  HB 1048
- Prohibits insurers from discriminating in availability, rate setting, and policy renewal based on non-actuarial principles.
  HB 1367
- Makes sterile water and sterile saline available through home health providers without a pharmacy license.
  HB 1408
- Modifies requirements of hearing instrument fitters including direct client contact requirements.
  HB 1765

- Establishes the Texas Volunteer Health Corps to enhance community-based public health services.
  SB 482
- Provides for the mandatory reinstatement of certain life insurance policies in case of the mental incapacity of an insured.
  SB 597
- Requires a group health insurance policy to provide benefits for the detection and prevention of osteoporosis.
  SB 607
- Provides additional support to rural areas to increase health services to persons who are elderly or have disabilities.
  SB 673
- Encourages certain physicians to complete training in pain treatment and management.
  SB 1454

Mass Transportation:

- Authorizes cities or towns with a population of 50,000 or more to create a mass transit department funded in part with a sales and use tax.
  HB 2183

- Allows for the establishment of rural (less than 50,000 population), and small urban (between 50,000 and 200,000 population) transit districts providing a more stable source of funding.
  HB 2588
- Provides for the creation, administration and dissolution for a county mass transit authority.
  SB 1388

Medicaid Reform:

- Requires development of a health care system that restructures the delivery of Medicaid services.
  SB 10
- Expands and clarifies the Health and Human Services Commission's (HHSC) authority to delegate the operation of any Medicaid program to one of HHSC's agencies.
  SB 509

- Requires standards for Medicaid-managed care organizations that include: quality of services, outcome of care, services in a client's own community, timely access and appropriate referral for specialty care, and complaint information in appropriate communications formats.
  SB 600
- Requires Medicaid-managed care organizations to provide education to clients and providers and establishes a bill of rights for Medicaid clients that includes timely access to care that does not have physical or communications barriers.
  SB 601
- Partially funds acute care Medicaid services through a pilot program establishing medical savings accounts.
  SB 604
- Requires Texas Mental Health and Mental Retardation (TxMHMR) to re-evaluate and revise if necessary it's sliding fee schedule every five years.
  SB 605

- Requires Texas to apply for a Medicaid waiver to allow for: client co-payments; an integrated managed care pilot program for long-term care services; an integrated managed care program for mental health and substance abuse services; and a consumer-oriented pilot program based on functional assessment and including decision support systems for persons with developmental disabilities.
  SCR 55
- Continues administration of the prescription drug benefit under the state vendor drug program.
  SCR 56
- Requires a study and pilot project regarding the feasibility of using Medicaid funds for the Texas Health Insurance Risk Pool.
  SCR 60

Mental Health Issues:

- Exempts TxMHMR Community Centers from the restraint of trade provision of the business and commerce code the same way state agencies are exempt.
  HB 553

- Allows Texas to request reimbursements for emergency mental health services.
  HB 865
- Requires the Department of Protective and Regulatory Services to investigate allegations of abuse, neglect, and exploitation in TxMHMR community centers and entities that contract with community centers.
  HB 1111
- Allows persons who have evidence on a material issue regarding a person for whom an application for court ordered mental health services has been filed to obtain information concerning the hearing on the application.
  HB 1495
- Requires at least one member of the Board of TxMHMR to be a consumer of services for persons with mental illness or mental retardation, or a family member of a consumer of those services.
  HB 1659
- Requires that an application for emergency detention due to mental illness or substance abuse be presented to a court with probate jurisdiction.
  HB 2093

- Allows persons younger than 16 years old, who are or have been married, to request and be admitted voluntarily to mental health facilities as adults.
  HB 2094
- Clarifies the role of TxMHMR authorities regarding the administration and coordination of services.
  HB 2377
- Prohibits criminally committed in-patients of mental health facilities from refusing medication or being granted a hearing to contest medication.
  SB 96
- Requires patients requesting treatment in a mental health facility to have an oral, electronic, or written order from a physician who has examined them within 72 hours of the admission.
  SB 513
- Provides for court-ordered mental health services such as allowing a medication hearing and a commitment hearing to be held on the same day.
  SB 572

Service Coordination:

- Requires consideration of local/regional priorities in state planning including transition services for students in special education.
  HB 869
- Authorizes TxMHMR, Texas Department of Health, and the Texas Department of Human Services to make unannounced inspections of their facilities and programs.
  SB 1162
- Increases funding flexibility by allowing the Texas Department on Aging to receive block grant funds.
  SB 1336
- Expands the oversight duties of the Health and Human Services Commission regarding agency budgets, federal funds, automated systems, caseload estimates and processes for public input.
  SB 1675

Residential Facilities:

- Requires a study of the need for and feasibility of establishing a system of residential care facilities for veterans with disabilities.
  HB 340
- Streamlines licensing and Medicaid certification requirements for nursing facilities.
  HB 2644
- Allows the Department of Human Services to waive the restriction on new Medicaid beds for specified facilities doing research on Alzheimer's disease.
  HB 3120
- Increases information available to people with Alzheimer's and their families regarding specialized services of licensed facilities.
  SB 436
- Provides protection for private pay individuals who report abuse or neglect in nursing homes or related facilities.
  SB 913

Other:

- Increases opportunities to register to vote by requiring agencies to assist their clients to register.
  HB 127
- Allows parents to designate a guardian for their incapacitated adult children by will or written declaration.
  HB 1136
- Authorizes a lower fee or a waiver of the fee or license requirement for a fishing license for a person who is blind or a qualified disabled veteran.
  HB 1785
- Allows individuals with disabilities to pay ad valorem taxes on their residence homestead in installments under the same provisions for persons 65 or older.
  HB 1882
- Provides that revocation of a driver's license as a result of chemical dependency expire on the expiration of the order for treatment of the person with chemical dependency.
  HB 2389

- Authorizes governmental bodies, not otherwise restricted, to hold open or closed meetings by telephone conference call.
  HB 2508
- Creates the Texas Council on Purchasing from Persons with Disabilities and requires it to determine the fair market price of goods and services provided for purchase by governmental entities.
  HB 2658
- Authorizes certain agencies to obtain criminal history information about employees and applicants in facilities serving persons who are elderly or have disabilities.
  HB 2704
- Changes the name of the Texas Commission for the Deaf and Hearing Impaired to the Texas Commission for the Deaf and Hard of Hearing.
  HB 2859
- Calls for a constitutional amendment that would raise the allowable tax exemption on property owned by veterans with disabilities.
  HJR 68
- Limits the amount of, and circumstances under which, a court may award exemplary damages.
  SB 25

- Limits the conditions under which a court is authorized to find a defendant jointly and severally liable for a claimant's damages.
  SB 28
- Provides for the assessment of attorney's, costs, and damages for certain frivolous lawsuits and defenses.
  SB 31
- Provides for staggered, six-year terms for the executive committee of the Office for the Prevention of Developmental Disabilities.
  SB 89
- Requires a health care provider to make available at no cost, health care records requested by a patient used to support an application for disability benefits.
  SB 133
- Sets guidelines for the disclosure of certain health care information and establishes limits for fees charged for such records.
  SB 667
- Extends the time limits for temporary medical exemptions for motorcycle operators and passengers to wear protective headgear from 10 to 180 days, and allows for permanent exemptions for permanent medical conditions.
  SB 1363

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